



**Request for City Council Committee Action  
From the City Attorney's Office**

Date: October 21, 2002  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** Marbles v. City of Minneapolis, et al.  
United States District Court File No.: 02-395 (JEL/AJB)

**Recommendation:** That the City Council approve settlement of this lawsuit by payment of \$15,411.50 payable to Angela M. Marbles and her attorney, Stephen C. Fiebiger, from Fund/Org 690 150 1500 6070 and authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of this lawsuit.

**Previous Directives:**

Prepared by: Peter W. Ginder, Assistant City Attorney

Phone: 673-2478

Approved by: 

Jay M. Heffern  
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

**Financial Impact** (Check those that apply)

- ☐ No financial impact - or - Action is within current department budget.  
(If checked, go directly to Background/Supporting Information)
- ☐ Action requires an appropriation increase to the Capital Budget
- ☐ Action requires an appropriation increase to the Operating Budget
- ☐ Action provides increased revenue for appropriation increase
- ☐ Action requires use of contingency or reserves
- ☒ Other financial impact (Explain): Fund/Org 690 150 1500 6070
- ☐ Request provided to the Budget Office when provided to the Committee Coordinator

**Community Impact:**

City Goals: Build Community

**Background/Supporting Information**

This lawsuit was filed in Federal Court in March, 2002, by Angela M. Marbles. In her Complaint, Marbles, a truck driver in Public Works, alleged that Defendant Orestor Hollie, her supervisor, created a hostile work environment for plaintiff because of remarks and conduct he directed towards her based on her gender. Plaintiff alleged violations of Title VII of the Civil Rights Act of 1964 as well as violation of the Minnesota

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Human Rights Act. According to the Complaint, after investigation into Marbles' allegations, Defendant Hollie retired from his employment with the City.

After reviewing the City policy regarding the Procedure for Determining Defense and Indemnification of Employees, separate private counsel was retained for Hollie. After further review of this case, a Rule 68 Offer of Judgment in the amount of \$10,000 plus reasonable costs and attorneys fees incurred by plaintiff to date was made to plaintiff in September 2002 and accepted by plaintiff on September 26, 2002. Pursuant to Council actions of October 25, 1998, and March 23, 2001, the City Attorney is authorized to make such binding Rule 68 Offers. Plaintiff has submitted a bill for fees and costs in the amount of \$5,411.50. This office has reviewed the documentation submitted in support of this bill and believes the requested amount to be reasonable in context with the resolution of this lawsuit and recommends their payment in addition to the \$10,000.

02L-0073